IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 608 OF 2004

IN

SUMMARY SUIT NO. 2122 OF 2004

Simplex Concrete Piles India ltd .....**Plffs.**
vs.
SVC Superchem Ltd .....**Defnds.**

Chetan Kapadia i/b. Khaitan and Co. for the plffs.

Rohit Kapadia a/w. A.G. Damle for the defnds.

CORAM: S.U. KAMDAR, J.

DATE : 20th September, 2005.

P.C. :.

1. The present suit is filed on the basis of consent terms dated 19,6.2001 filed in Company Petition no. 134 of 2000. The said order in consent terms provides for self operative order that on default the petition to stand admitted.

There is a default and the petition has already been admitted. In my opinion to file a summary suit on the basis of said consent terms and seek a decree dehorse the original cause of action would not be maintainable. In that view of the matter, summons for judgment dismissed. Unconditional leave to defend is granted.

2. Suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

SD/-

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